

STATUS OF CLAIMS

Claims 1-44 are pending.

Claims 1-44 stand rejected.

Claims 3, 5-7, 9, 14, 25, 27, 29 and 31 have been amended without prejudice herein.

Claims 1, 2, 4, 11-13, 26, 28, 33 and 34 have been cancelled without prejudice herein.

REMARKS

Change of Correspondence Address

Applicant has included herewith a form PTO/SB/122, requesting that all further correspondence be directed to the address associated with PTO Customer Account 45722.

Claim Rejections

Claims 1-2 stand rejected under 35 U.S.C. 102(b) as being anticipated by Luchs (United States Patent No. 4,831,526). Claims 3-15 and 25-36 stand rejected under 35 U.S.C. 102(b) as being anticipated by Borghesi (United States Patent No. 5,950,169). Claim 16 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Borghesi in view of progressive.com (March 1, 2000 non-patent literature). Claims 17 and 37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Borghesi in view of King (United States Patent No. 5,704,045). Claims 18-19 and 38-39 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Borghesi in view of King, further in view of Ryan (United States Patent No. 5,655,085). Claims 20-21 and 40-44 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Borghesi, in view of King, further in view of Ryan, further in view of Ertel (United States Patent No. 5,307,262). Claims 22-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Borghesi in view of Burks (United States Patent No. 6,453,297). Claim 24 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Borghesi, in view of Burks, further in view of Ertel.

Applicant requests reconsideration and removal of these rejections for at least the following reasons.

Regarding Claims 1-2, Applicant has cancelled these claims without prejudice, and subject to the right to reintroduce these claims, and/or claims commensurate in scope therewith, in this or a related application.

Independent Claim 3 has been amended to recite:

A computer system for enabling claimants to self-service insurance claims for sustained losses, the system comprising:

- a site generating component for generating a site on a global computer network allowing claimants to directly input the insurance claims;
- a claim data analyzing component analyzing the inputted insurance claims using deep domain knowledge about claim processing; and
- a claim rehabilitation component aggregating services related to loss recovery and automatically providing the aggregated services to the claimants to rehabilitate the sustained losses in accordance with said analyzing.

Such a system is disclosed throughout the specification of the subject application. For example, the subject application teaches in par. [0016] that Claimants will essentially own the claims and drive the web-based insurance process of the invention. Further, that the disclosed process is an "open-system" which permits consumers to process their own claims and utilize the ancillary services and commodities offered. And still further, that in one embodiment, the invention permits the claim process to proceed without an agent, broker or an insurance company.

Par. [0035] of the specification discloses that a web site is provided on the World Wide Web that permits any person or entity having a need resulting from a property loss to fulfill the need online. The application also teaches one particularly useful aspect of the invention is that it eliminates the need for claimants to go through an agent, broker or the insurance company to file a loss claim. The subject application further teaches in par. [0047] that at the web site, a web page is displayed which enables the person or entity to report a loss event. And, the subject application further teaches details of a web application server in par. [0045].

The subject application also teaches in par. [0047] that the claim reporting results in a need, which the web site analyzes and processes, and provides appropriate service selections, which will fulfill the need. The subject application further explains, in pars. [0017] – [0018] that an individual that has an automobile accident may require a short-term rental replacement vehicle. And, that in one embodiment, the system and method offers suggestions as to which automobile rental agencies carry rental vehicles within the coverage that the policy permits.

The subject application teaches in par. [0019] that the system and method allows for demand aggregation of products and services specific to insurance loss fulfillment. Further, that

the method of the invention permits the purchase of large volume commodities and services, using purchasing power based upon the number of claimants needing a particular service or commodity. And, in par. [0056], the subject application teaches that demand aggregation is performed by going into the market and either purchasing a commodity/service or arranging for the purchase of a commodity/service using the demand aggregator's volume purchasing power provided by the large number of claimants needing that particular service or commodity. Methods for purchasing commodities and/or services or arranging for such purchases using demand aggregation are described in U.S. patent application Ser. No. 09/545,402, entitled, "Methods For Processing And Settling Property Loss Claims Using Online Demand Aggregators," filed by Welnicki et al. on Apr. 7, 2000, and assigned to the assignee of the subject application. The disclosure of U.S. patent application Ser. No. 09/545,402, as it relates to purchasing methods using demand aggregation, was incorporated into the subject application by reference.

Accordingly, no new matter has been added by the amendments to Claim 3. Further, Applicant submits the cited art fails to teach or suggest such a system.

Borghesi fails to anticipate or render such a system unpatentable.¹ In order to render Claim 3 unpatentable, all of the recited limitations of Claim 3 must be taught or suggested in the prior art. *See, MPEP 2143.03; see also, In re. Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).* Borghesi, however, fails to teach or suggest, "[a] computer system for enabling claimants to self-service insurance claims for sustained losses, the system comprising: a site generating component for generating a site on a global computer network allowing claimants to directly input the insurance claims" as recited in present claim 3.

Claim 3 as amended recites inter alia "[a] computer system for enabling claimants to self-service insurance claims for sustained losses, the system comprising: a site generating component for generating a site on a global computer network allowing claimants to directly input the insurance claims."

¹ Applicant is unsure of the actual grounds for rejecting Claims 3-15 and 25 -36. Applicant notes that the Office action cites 35 U.S.C. 102(a), refers to 35 U.S.C. 102(b), and yet argues these claims are unpatentable (invoking 35 U.S.C. 103(a)). In the event a notice of allowance is not forthcoming, Applicant respectfully requests the Examiner clearly identify the grounds for rejecting each of the now pending claims.

In contrast, Borghesi explains that an insurance claim adjuster must spend time keeping track of, and running, separate programs that may overlap and lead to redundant data entry tasks. *See, col. 2, ll. 3-9.* Borghesi further explains that there is a need for a comprehensive system that manages insurance claim work flow. *See, col. 2, ll. 20-29.* Thus, Borghesi presents a comprehensive system and method for processing insurance claims “for use by insurance companies as well as appraisers, repair shops, salvage yards and other support industries.” *Col. 2, ll. 33-41.* Accordingly, Borghesi presents exactly that type of prior art system having the shortcomings and deficiencies that the present invention addresses by enabling insurance claimants to self-service insurance claims.

Further, Claim 3 also recites, “a claim rehabilitation component aggregating services related to loss recovery.” Borghesi fails to teach or suggest any such service aggregating.

As is explained in the subject application, the method of the invention permits the purchase of large volume commodities and services, using purchasing power based upon the number of claimants needing a particular service or commodity. Demand aggregation is performed by going into the market and either purchasing a commodity/service or arranging for the purchase of a commodity/service using the demand aggregator's volume purchasing power provided by the large number of claimants needing that particular service or commodity. Borghesi fails to teach any such approach.

The Office action argues Borghesi teaches this limitation in column 4, lines 37-63. Applicant traverses this assertion. Rather, col. 4, lines 37-63 of Borghesi merely teach that a workfile can be transferred between computing workstations. *See, col. 4, ll. 37-39.* The remaining portions of Borghesi cited by the Examiner teach that a repair shop sends the workfile to the network which may in turn provide several cost estimates for parts, including OEM, after-market, and salvage values. An insurance adjuster can send the workfile to a repair shop to facilitate the repair process, where the workfile contains all the necessary information for field processing of insurance claims. Thus, the referenced workfile of Borghesi does not aggregate services related to loss recovery. Rather, the workfile simply contains information related to a single loss; and it does not permit the purchase of large volume commodities and services, using purchasing power based upon the number of claimants needing a particular service or commodity. Accordingly, Borghesi fails to render Claim 3 unpatentable at least by virtue of its failure to teach the recited aggregating of Claim 3 as well.

For purposes of completeness, Applicant notes progressive.com is merely relied upon in the Office action for its purported teachings regarding providing a user a means for comparing insurance policies before making a purchase. Applicant submits this is of little import to the claimed invention, as the claimed invention is directed to enabling claimants to self-service insurance claims – and not purchase insurance plans.

Further, Applicant notes the Office action merely argues King evidences an online business-to-business exchange – which fails to remedy at least the above-discussed deficiencies of Borghesi.

Further yet, Applicant notes the Office action merely argues Ryan teaches subrogation scoring, which also fails to remedy at least the above-discussed deficiencies of Borghesi.

Furthermore, Applicant notes the Office action merely argues Ertel teaches bundling and scoring groups of claims, which also fails to remedy at least the above-discussed deficiencies of Borghesi.

Finally, Applicant notes the Office action merely argues Burks teaches identifying patterns and a concealment component, which also fails to remedy at least the above-discussed deficiencies of Borghesi.

Accordingly, Applicant respectfully requests reconsideration and removal of the present rejection of Claim 3, at least by virtue that the prior art fails, in any combination, to teach or suggest each of the recited limitations of Claim 3. Applicant also requests reconsideration and removal of the rejections of Claims 5-10 and 14-24, at least by virtue of these claims' ultimate dependency upon a patentably distinct base Claim 3.

Turning now to Claim 25, it has also been amended to recite:

A method for enabling claimants to self-service insurance claims for sustained losses, the method comprising the steps of:
generating a site on a global computer network allowing claimants to directly input the insurance claims;
analyzing the inputted insurance claims using deep domain knowledge about claim processing;
aggregating services related to loss recovery; and
automatically providing the aggregated services to the claimants to rehabilitate the sustained losses in accordance with said analyzing. (Emphasis added)

Accordingly, Applicant respectfully requests reconsideration and removal of the rejection of Claim 25 for at least the foregoing reasons. Applicant also requests reconsideration and removal of the rejections of Claims 27, 29-32 and 35-44 as well, at least by virtue of these claims' ultimate dependency upon a patentably distinct base Claim 25.

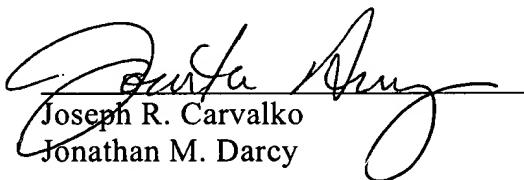
CONCLUSION

Applicant believes he has addressed all outstanding grounds raised in the outstanding Office action, and respectfully submits the present case is in condition for allowance, early notification of which is earnestly solicited.

Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

Respectfully submitted,

Dated: 7/19/2006



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